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Client: 91389-00001

June 3, 2021

FILED VIA ECF

The Honorable Hildy Bowbeer
Magistrate Judge, District of Minnesota
United States District Court
316 N. Robert Street
St. Paul, MN 55101

Re: *In re Pork Antitrust Litig.*, Cause No. 18-CV-1776 (JRT/HB)

Dear Judge Bowbeer:

Defendants have not been aware of any dispute meriting the Court's attention at the June 4 status conference, discovery has been moving forward in an orderly process, and Plaintiffs have not established any basis for the Court to depart from its scheduling orders. Defendants submit this letter clarifying that position, given the Court's invitation to respond to Plaintiffs' June 2 Update Letter (Dkt. 787).

On November 4, 2020, all Parties submitted an agreed stipulation proposing dates for various discovery milestones. (Dkt. 530). In that agreed stipulation, all Parties proposed that the parties would substantially complete document and structured-data productions by September 1, 2021. The Court later entered its Order on Stipulation Regarding Pretrial Scheduling Order ("Order") (Dkt. 532) pursuant to Federal Rule 16(b) and Local Rule 16.3 and set that September 1, 2021 deadline for "Substantial Completion of Document and Structured Data Productions." The Defendants have been relying on the dates in that Order in establishing work streams and prioritizing discovery tasks ever since.

As Plaintiffs accurately described, the Parties engaged in substantial negotiations over many weeks about the scope of structured-data productions, and those significant efforts culminated in agreement. Acting in reliance on the Court's September 1 deadline and the Parties' agreement regarding the scope of structured-data productions, Defendants continue to work diligently to comply with the agreed deadline and have been producing documents on a rolling basis since mid-March.

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Production of structured data in cases of this magnitude is an extensive and complicated undertaking involving significant burden.

Plaintiffs' Update Letter fails to direct the Court's attention to either of the relevant events from November of 2020 – the Parties' agreed stipulation and the Court's Order, both of which explicitly set September 1, 2021 as the deadline for substantially completing the production of structured data. Moreover, Plaintiffs have not filed a motion to modify the Order and have failed to establish good cause to do so. *See* Local Rule 16.3.

Rather than suddenly and dramatically accelerate the deadline for fully completing data productions, Defendants propose that the Parties meet and confer regarding the deadline for class-certification motions and expert reports. Defendants believe that the Parties could agree to delay those dates if Plaintiffs' experts are unable to perform their analysis under the Parties' agreed schedule. Defendants suggest that the right time to have such discussions would be shortly after the September 1 date for substantial completion of structured-data productions. Plaintiffs' current concerns about possibly not being able to meet the class-certification deadlines (that they requested) do not establish good cause to depart from the Court's discovery deadlines.

Defendants look forward to addressing any questions regarding this issue during the status conference.

Sincerely,



Brian E. Robison

BER/cc